

**GOVERNMENT OF INDIA
URBAN DEVELOPMENT AND POVERTY ALLEVIATION
LOK SABHA**

UNSTARRED QUESTION NO:1370
ANSWERED ON:23.07.2002
PUBLIC PREMISES ACT
DR. KIRIT SOMAIYA;PAWAN KUMAR BANSAL

Will the Minister of URBAN DEVELOPMENT AND POVERTY ALLEVIATION be pleased to state:

- (a) whether the Government are clarifying the provisions of Public Premises Act;
- (b) if so, the details thereof;
- (c) whether various Public Sector companies and financial organisations are evicting their tenants in violation of the relevant provisions of law;
- (d) if so, whether several MPs and Ministers have protested the harshness and abuse of provisions by various PSUs;
- (e) if so, the details thereof;
- (f) whether the Government have received several representations and complaints from MPs Public Sector Tenants Action Committee and tenant organizations in this regard;
- (g) if so, the details thereof and the action taken thereon;
- (h) whether his Ministry has taken up this issue with the M/o Textiles, Finance and other Ministries;
- (i) if so, whether any clarification has been received recently; and
- (j) its likely impact and latest position in the matter?

Answer

MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI O. RAJAGOPAL)

(a)&(b): Yes, Sir. Clarifications have been issued vide Government Resolution dated 8.6.2002.

(c) to (j): A statement is Annexed.

ANNEXURE

STATEMENT REFERRED TO IN REPLY TO PARTS (c) TO (j) OF LOK SABHA UNSTARRED QUESTION NO. 1370 FOR 23.7.2002.

This Ministry has received several representations forwarded by Hon'ble Ministers/Members of Parliament as well as Tenants' Associations alleging misuse of the provisions of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 by some Public Sector Undertakings and Government and Financial Organisations in evicting their bona-fide tenants.

Following a meeting held in this Ministry, it was decided to set up an inter-Ministerial Committee, headed by the Director of Estates, to look into the complaints and make recommendations to avoid any misuse of the Public Premises (Eviction of Unauthorized Occupants) Act. The Committee, after holding detailed discussions with all affected parties including representatives of the Tenants Action Committee and officers from various Public Sector Undertakings and Government and Financial organizations, had recommended notification of detailed guidelines to prevent arbitrary use of the provisions of the Public Premises (Eviction of Unauthorized Occupants) Act through a Government resolution.

The recommendation of the Committee has been accepted by the Government and the guidelines have been notified through a Government resolution on 8.6.2002. A copy of the Resolution is attached.

MINISTRY OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION

(DIRECTORATE OF ESTATES)

RESOLUTION

New Delhi, the 30 May 2002

Sub: Guidelines to prevent arbitrary use of powers to evict genuine tenants from public premises under the control of Public Sector Undertakings/financial institutions.

No. 21013/1/2000-Pol.I - The question of notification of guidelines to prevent arbitrary use of powers to evict genuine tenants from public premises under the control of Public Sector Undertakings/financial institutions has been under consideration of the Government for some time past.

2. To prevent arbitrary use of powers to evict genuine tenants from public premises and to limit the use of powers by the Estate Officers appointed under Section 3 of the PP(E) Act, 1971, it has been decided by Government to lay down the following guidelines:-

(i) The provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (P.P.(E) Act, 1971) should be used primarily to evict totally unauthorised occupants of the premises of public authorities or subletees, or employees who have ceased to be in their service and thus ineligible for occupation of the premises.

(ii) The Provisions of the P.P.(E). Act, 1971 should not be resorted to either with a commercial motive or to secure vacant possession of the premises in order to accommodate their own employees, where the premises were in occupation of the original tenants to whom the premises were let either by the public authorities or the persons from whom the premises were acquired.

(iii) A Person in occupation of any premises should not be treated or declared to be an unauthorised occupant merely on service of notice of termination of tenancy, but the fact of unauthorised occupation shall be decided by following the due procedure of law. Further, the contractual agreement shall not be wound up by taking advantage of the provisions of the P.P.(E) Act, 1971. At the same time, it will be open to the public authority to secure periodic revision of rent in terms of the provisions of the Rent Control Act in each State or to move under genuine grounds under the Rent Control Act for resuming possession. In other words, the public authorities would have rights similar to private Landlords under the Rent Control Act in dealing with genuine legal tenants.

(iv) It is necessary to give no room for allegations that evictions were selectively resorted to for the purpose of securing an unwarranted increase in rent, or that a change in tenancy was permitted in order to benefit particular individuals or institutions. In order to avoid such imputations or abuse of discretionary powers, the release of premises or change of tenancy should be decided at the level of Board of Directors of Public Sector Undertakings.

(v) All the Public Undertakings should immediately review all pending cases before the Estate Officer or Courts with reference to these guidelines, and withdraw eviction proceedings against genuine tenants on grounds otherwise than as provided under these guidelines. The provisions under the P.P.(E) Act, 1971 should be used henceforth only in accordance with these guidelines.

3. These orders take immediate effect.

Sd/-

(VINEETA RAI) Additional Secy.